

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:12-cr-28-TWP-VTW
)	
TERRY R. WICKER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 11, 2023, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 29, 2023 (Dkt. 73). Defendant Terry R. Wicker appeared in person with his appointed counsel Larry Simon. The government appeared by William L. McCoskey, Assistant United States Attorney. U. S. Probation appeared by Officer Jason Nutter via telephone.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Wicker of his rights and provided him with a copy of the petition. Mr. Wicker orally waived his right to a preliminary hearing.
2. After being placed under oath, Mr. Wicker admitted violation number 3 (Dkt. 73). Government orally moved to dismiss violation numbers 1 and 2, which motion was granted by the Court.

3. The allegations to which Mr. Wicker admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	"The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."

Mr. Wicker was arrested on March 24, 2023, and released on his own recognizance on March 27, 2023. Mr. Wicker has not attempted contact with this officer.

4. The parties stipulated that:

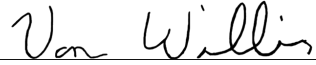
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of 12 months imprisonment at the Bureau of Prisons with no term of supervised release to follow. Defendant requested placement as close to his home in Deputy, Indiana, as possible.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 12 months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at a facility close to his home in Deputy, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

5/11/2023

A handwritten signature in cursive script that reads "Van Willis".

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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